

REMARKS / ARGUMENTS

The Examiner is thanked for the Office Action of September 12, 2003. This Election and Request for Reconsideration is fully responsive thereto. In response to the requirement for restriction, Applicant provisionally elects with traverse Group I (claims 1-61).

RESTRICTION REQUIREMENT

In the September 12 Office Action, the Examiner required restriction with respect to four Groups: Group I (claims 1-61), a heat transfer fluid mixture; Group II (claims 62-64), a method of improving cooling of an object with a gas mixture; Group III (claims 65-66), a method of improving heating of an object with a gas mixture; and Group IV (claims 67-76), a method of making a heat transfer fluid. Applicant respectfully asserts that the Examiner improperly required the restriction and should therefore withdraw the same and examine all of the claims.

In order to properly require restriction pursuant to US PTO restriction practice, the Examiner must show how the Groups are distinct and also establish reasons for insisting upon restriction. In this case, the Examiner has failed to show how Group II is distinct from Group III, how Group II is distinct from Group IV, and how Group III is distinct from Group IV. Without this showing, the restriction requirement is not properly made according to US PTO restriction practice. For this reason alone, the restriction must be withdrawn.

With respect to the restriction between Groups I and IV, the Examiner indicated that each of these Groups are classified in Class 252, Subclass 71.

The Examiner attempts to show that insisting upon restriction is proper because these two Groups purportedly "have acquired a separate status in the art as shown by their separate classification." However, such a showing is not made in this case because the two Groups are classified together according to the Examiner. As such, the restriction should be withdrawn for this reason alone.

CONCLUSION

For the reasons explained above, Applicant believes that the restriction requirement was improperly made and should be withdrawn. Applicant respectfully requests examination of all the claims.

Should the Examiner believe that a telephone call would expedite prosecution of the application, she is invited to call the undersigned attorney at the number listed below. A petition for a one month extension of time is included with this response along with the associated fee. Otherwise, it is believed that no fee is due at this time. If that belief is incorrect, please debit deposit account number 01-1375.

Respectfully submitted,



Christopher J. Cronin
Registration No. 46,513

Date: Nov. 12, 2003